IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 6222 of 2005

Between:

1.A.Rajan, S/o. Andrews Cooper,
H.No.15-24, Gurumurthynagar, Opp: Ilaiah Ration Shop,
Balanagar, Hyderabad-37.
2.Azaz Mohammed , S/o. Zahoor Mohd,
R/o. S.R.T.596, Sanathnagar, Near Vegetable Market,
Hyderabad -18.
3.S.Shivakumar, S/o. S.Balaiah,
8-64, Rajucolony, Balanagar, Near Rammandhir,
Hyderabad-37.

..... PETITIONERS

AND

The Managing Director, M/s. Praga Tools Ltd.,
Kawadiguda, Secunderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in not regularising the services of the petitioners and also by not granting benefits such as regularisation and back wages and consequently to direct the respondent to regularise the services of the petitioners in the post of casual labour (non-technical) w.e.f. 1-1-2004 from the date of regularisation of their juniors and pay all back wages and attendant benefits as drawn by their juniors.

Counsel for the Petitioners: MR.B.PARAMESEWARA RAO

Counsel for the Respondent: MS.G.SUDHA

The Court made the following:

ORDER:

The petitioners are claiming that they have been working as Casual Labour since 1981. Though their juniors' services were regularised, their services were not regularised. Hence, they filed the present writ petition. Further, it is stated that after filing the writ petition, the respondent- Company is not allowing the petitioners even to attend the work as Casual Labour. Therefore, they sought for appropriate direction. It is the further grievance of the petitioners that while discontinuing their services, the respondent did not follow the provisions of Industrial Disputes Act, 1947.

All these claims of the petitioners require factual adjudication and therefore it is appropriate for the petitioners to approach the Labour Court. In fact, when the petitioners sought to rely upon the order of this Court in respect of some other similarly placed persons whom the petitioners claim to be their juniors, the petitioners therein approached the Labour Court by raising an industrial dispute and thereafter only they approached this Court.

Under the above circumstances, the writ petition is disposed of directing the petitioners to approach the Labour Court seeking appropriate relief. No costs.

21.06.2005

VGB

To

1. The Managing Director, M/s. Praga Tools Ltd.,
   Kawadiguda, Secunderabad.

2. 1CC to Mr.Parameswara Rao

3. 2CD copies.